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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,953	02/14/2004	Pedro Freitas	MACV.P0008	9187
23349	7590	10/19/2007	EXAMINER	
Stattler-Suh PC 60 SOUTH MARKET SUITE 480 SAN JOSE, CA 95113			VO, TED T	
			ART UNIT	PAPER NUMBER
			2191	
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			10/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/779,953

Applicant(s)

FREITAS ET AL.

Examiner

Ted T. Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-10 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-10 and 21-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the communication filed on 08/13/2007.

Effective filing date of this application is 02/14/2004 because the application is filed as continuation in part. Claims 1, 3-10, 21-26 are pending in the application.

Response to Arguments

2. The amendment and arguments filed in Remarks on 08/13/2007 have been considered but not persuasive.

In the remarks, it appears that Applicants argued Haas does not teach or suggest receiving input at the client device of claim 1 and that Haas does not disclose a target device that is controlled by user interface (remarks: p.7).

Examiner disagrees with the argument. At the time of the filing, Television using set-top box provided by Cable or Satellite providers is common. A UI guide displayed in a television screen allows a client to receive input from the host device via set-top box. In the introduction, Haas discloses a PVR that is the same as the specification target device. If argued that the PVR disclosed by Haas does not have user interface then it is contradicted to its claims (see Claims that recite PVR).

The argument appears that Haas does not disclose or even suggest coupling the host computer device, client device, and one target device through a wireless network.

Examiner disagrees this argument. The claims are broad and read on the teaching of the reference. See Figure 2 and Figure 3, Haas discloses "coupling" and interface using TV remote control or Keyboard/mouse. An arrow "display" in Figure 3 means it is coupled to a display device such as TV (See p.1, Introduction) or Computer monitor. It shows a TV network, such as a Server providing a broadcasting to a client, having set-top box associated with a TV or a computer with interface device TV remote or keyboard/mouse. The Figure 1 represents a screen as a TV monitor or computer monitor connected to a set-top box. It should be known that the monitor provides GUI means, for a TV, it use a

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remote control, for a computer Internet a client uses a keyboard. It's clearly that the recitations in the claims read on the common activities and the teaching of Haas.

In rejecting claims under 35 U.S.C. § 102, a single prior art reference that discloses, either **expressly or inherently**, each limitation of a claim invalidates that claim by anticipation. *Perricone v. Medicis Pharmaceutical Corp.*, 432 F.3d 1368, 1375-76, 77 USPQ2d 1321, 1325-26 (Fed. Cir. 2005), citing *Minn. Mining & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 1565, 24 USPQ2d 1321, 1326 (Fed. Cir. 1992). Anticipation of a patent claim requires a finding that the claim at issue "**reads on**" a **prior art reference**. *Atlas Powder Co. v. IRECO, Inc.*, 190 F.3d 1342, 1346, 51 USPQ2d 1943, 1945 (Fed Cir. 1999) ("In other words, if granting patent protection on the disputed claim would allow the patentee to exclude the public from practicing the prior art, then that claim is anticipated, regardless of whether it also covers subject matter not in the prior art.") (internal citations omitted).

Applicants' arguments fail to show what their patentable differences over the prior arts, but only generic allegation.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 3-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitation "*target device*" recited in Claims 1, 3-10 (i.e. Claim 1, "*at least one target device*", and "*where said target device comprise a media player*", are ambiguous and unclear. The claims are indefinite. It is unclear the meaning of "target device" in the claims. In the claims 6, 7, 8, 9, 10, in which its functionality depends on "a media player" recited various and different target devices.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 3-10, 21-26 are rejected under 35 U.S.C. 102(a) as being anticipated by Haas et al., "Personalized News Through Content Augmentation and Profiling", Proceedings of ICIP 02, Rochester NY, Sept 2002.

Given the broadest reasonable interpretation of followed claims in light of the specification.

As per Claim 1: Haas discloses,

A method for implementing a user interface on client device remote from a host device, said method comprising the steps of:

coupling said host computer device, said client device, and at least one target device through a wireless network; (See Figure 2-3, and See p. 1, "Introduction")

operating an application program on a host computer device, said application program

comprising an underlying user interface to control at least one target device (See Figure 3: p. 3 A

content is sent to a set-top-box from a server. The content is displayable and interface-able by

user/client); ***transmitting, from said host computer device to a client device*** (Figure 3), ***an***

identification of at least one scene, said scene defines an abstract layout for at least one screen

display of said user interface (i.e. a website, where the layout is controlled by HTML content/metadata as in Figure 1) 'content plus metadata' – Also see p. 4 Sec. 5);

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generating at least one screen display for said scene based on an interpretation of said scene at said client device (i.e. the web page of Figure 1 is viewable at the set-top box, by the mechanism of Figure 3); ***displaying, on said client device, said screen display of said user interface; receiving input, at said client device, from a user to initiate at least one operation at said target device; and performing said operation at said target device in response to control from said client device*** (See Figure 3, User input), ***where said target device comprise a media player*** (See p. 1, "PVR").

As per Claim 3: Haas discloses, *The method as set forth in claim 1, wherein said client device comprises a portable electronic device that includes a graphical display* (that is the top-set-bow that cab view a web page such as in Figure 1).

As per Claim 4: Haas discloses, *The method as set forth in claim 1, wherein said user interface comprises an electronic programming guide to control a television* (See p. 1, 'EPG').

As per Claim 5: Haas discloses, *The method as set forth in claim 1, wherein said user interface comprises a guide for a personal video recorder* (See p.1, 'PVR').

As per Claim 6: Haas discloses, *The method as set forth in claim 1, wherein: said user interface comprises an interface to control a media playback device; and said target device comprises a media playback device* (See p.1, 'PVR', 'hand-free playback mode', or see Figure 1).

As per Claim 7: Haas discloses, *The method as set forth in claim 1, wherein said target device comprises said host computer device* (See Figure 3).

As per Claim 8: Haas discloses, *The method as set forth in claim 1, wherein said target device comprises a personal video recorder ("PVR") server.*

As per Claim 9: Haas discloses, *The method as set forth in claim 1, wherein said target device comprises a media server* (refer to Figure 2, the server that sends TV broadcast plus metadata).

As per Claim 10: Haas discloses, *The method as set forth in claim 1, wherein said target device comprises a television* (Figure 2: Set-top box is associated with a TV).

As per Claim 21: Haas discloses, *The method as set forth in claim 1, wherein said target device comprises a device for playing or viewing media* (Interpretation of target device as a TV: then this claim reads on the TV remote control seen in p. 1).

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As per Claim 22: Haas discloses, *The method as set forth in claim 1, wherein said wireless network comprises a home network* (the claim reads on the TV remote control, TV, set-top-box as shown in Figures 2-3).

As per Claims 23-26: See the rationale addressed in the rejection of Claims 1, 3-10, 21-22.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708.

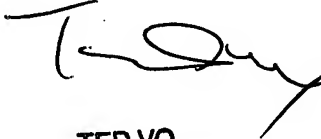
The facsimile number for the organization where this application or proceeding is assigned is the Central Facsimile number **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTV
October 12, 2007



TED VO
PRIMARY EXAMINER